

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States of America, §
§
Plaintiff, §
§
vs. § Civil Action B-19-122
§ (CDCS: 2018A62599)
Juan Montero and Antonia C. Montero, §
§
Defendants. §

Complaint

1. *Jurisdiction.* The district court has jurisdiction because the United States is a party. *See* U.S. CONST., art III, § 2, and 28 U.S.C. § 1345.
2. *Venue.* The defendants reside in Cameron County, Texas, and may be served with process at 109 Pandana Street, Brownsville, Texas 78520.
3. *The Debt.* The debt owed to the United States arose through a promissory note from U.S. Small Business Administration. The debt on the date of the Certificate of Indebtedness was:

A.	Current principal	\$	5,227.25
B.	Interest (capitalized and accrued)	\$	204.34
C.	Administrative fees, costs, penalties (Including \$400.00 Filing fee)	\$	2,286.12
D.	Balance due	\$	<u>7,717.71</u>
E.	Prejudgment interest accrues at 2.687% per annum being \$0.38 per day.		

- F. The current principal in paragraph 3 A is after credits of \$10,782.52.
4. *Default.* The United States has demanded that the defendants pay the indebtedness, and the defendants have failed to pay it.
5. *Prayer.* The United States prays for judgment for:
- A. The sums in paragraph 3, pre-judgment interest, administrative costs, and post-judgment interest; and,
 - B. Other relief the court deems proper.

Respectfully submitted,

CERSONSKY, ROSEN & GARCÍA, P.C.

By: /s/ M. H. Cersonsky
M. H. Cersonsky, TBN: 04048500
1770 St. James Place, Suite 150
Houston, Texas 77056
Telephone: (713) 600-8500
Fax: (713) 600-8585

Attorneys for Plaintiff



DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. SMALL BUSINESS ADMINISTRATION
CERTIFICATE OF INDEBTEDNESS

Juan Montero
109 Pandana Street
Brownsville, Texas 78520

Antonia C. Montero
109 Pandana Street
Brownsville, Texas 78520

RE: Case ID# 2014152425

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Small Business Administration (SBA) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of the file of Juan and Antonia C. Montero (DEBTORS).

On 10/20/2008, pursuant to Section 7(b) of the Small Business Act, as amended, the DEBTORS executed a Promissory Note and Loan Agreement for \$24,200.00, with interest accruing at a rate of 2.687%. Installment payments, including principal and interest, of \$100.00 were to be paid per month, beginning five (5) months from the date of the Promissory Note. The balance of the principal and interest would be payable thirty (30) years from the date of the Promissory Note. Each received payment was applied, first to interest accrued, as of the date of receipt and the remaining was applied to principal. Interest only accrued on funds actually advanced from the date of each advance.

The SBA determined the DEBTORS originally became delinquent on the Promissory Note on 3/12/2014 with a balance due of \$9,721.21 according to SBA historical records. From October 2008 through November 2017, the SBA disbursed a total of \$14,256.10 of which the DEBTORS made payments totaling \$10,782.52. The payments were applied, \$9,061.31 to the principal and \$1,681.04 to the interest.

The SBA referred the claim to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debt on 12/7/2016. DMS issued demand letters to the DEBTORS on 12/7/2016 and 2/22/2017, to which the DEBTORS did not respond. However, the DEBTORS did make a voluntary payment on 11/27/2017 thereby changing the delinquency date. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from the SBA.

On August 29, 2018, DMS referred the claim to DOJ to collect the delinquent debt in the amount due of \$7,113.37. As of August 29, 2018, the DEBTORS are indebted to the United States in the amount stated as follows:

Principal:	\$ 5,227.25
Administrative Costs:	\$ 1,886.12
Total:	\$ 7,113.37





DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. SMALL BUSINESS ADMINISTRATION
CERTIFICATE OF INDEBTEDNESS

The balances stated in the case listed above are current as of August 29, 2018, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the SBA and information contained in Treasury's records.

A handwritten signature in black ink, appearing to read "Ashleigh Edmonds".

August 29, 2018

Signed by: Ashleigh N. Edmonds

Ashleigh Edmonds
Financial Program Specialist
U.S. Department of Treasury
Bureau of the Fiscal Service